

ORIGINAL

ORIGINAL

WILKINSON BARKER KNAUER, LLP

Washington, DC
Frankfurt, Germany

2300 N Street, NW
Washington, DC 20037-1128

EX PARTE OR LATE FILED

telephone: 202.783.4141
facsimile: 202.783.5851
www.wbklaw.com

September 9, 1999

By Hand

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

RECEIVED

SEP 09 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *Ex Parte* Presentation
E-911 Phase II -- CC Docket No. 94-102

Dear Ms. Salas:

This letter serves as notification that on September 8, 1999, Elridge Stafford, Jeff Brueggeman and Luisa Lancetti (representing U S WEST Wireless, L.L.C.), had a meeting with Jim Schlichting and Dan Grosh (of the Wireless Telecommunications Bureau) to discuss issues concerning the above-captioned proceeding. A copy of the presentation material distributed and discussed at this meeting is attached hereto.

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Please contact us should you have questions concerning the foregoing.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: Luisa L. Lancetti
Counsel for U S WEST Wireless, L.L.C.

Attachment

cc: Jim Schlichting
Dan Grosh

No. of Copies rec'd 0+1
List ABCDE

ENHANCED 911 PHASE II IMPLEMENTATION

Ex Parte Presentation, CC Docket No. 94-102

U S WEST WIRELESS, L.L.C.

September 8, 1999

INTRODUCTION

- On February 4, 1999, U S WEST Wireless filed a petition for waiver of Section 20.18(e) of the Commission's rules to permit a phased-in solution to the Enhanced 911 ("E-911") Phase II Automatic Location Identification ("ALI") requirements.
- U S WEST Wireless is a broadband PCS licensee that has deployed a CDMA network. There are *no* commercially viable E-911 ALI solutions – whether network-based, handset-based or "hybrid" – currently available for CDMA networks.
- U S WEST Wireless has been actively working to identify ALI solutions. For example, it has formally released a Request for Information and it has participated in field tests of handset-based solutions.
- A waiver or rule change is necessary so that U S WEST Wireless and other carriers have the flexibility to implement promising ALI solutions, such as handset-based and hybrid solutions. Providing such flexibility serves the public interest.
- U S WEST Wireless supports the following rule changes for Phase II ALI implementation:
 - The Commission should require carriers to deploy ALI-capable handsets which provide superior accuracy as compared to network-based solutions on or before October 1, 2001. However, fundamentally altering the accuracy standards at this time would be arbitrary, given the state of technology and efforts that have been undertaken to develop and test handsets that will exceed current standards.
 - The Commission should require carriers to make good faith efforts to satisfy any handset deployment or penetration benchmarks that it establishes. In particular, penetration levels for ALI-capable handsets will be dependent on various factors outside of the carrier's control (*e.g.*, equipment availability, consumer demand, PSAP implementation).

U S WEST WIRELESS IS ACTIVELY WORKING TO DEVELOP ALI SOLUTIONS

- In February 1998, U S WEST Wireless participated in field tests with SnapTrack, Inc. and two PSAPS in Denver, Colorado to analyze the potential for handset-based ALI solutions.
- In addition to releasing a formal Request for Information, U S WEST Wireless has been working closely with vendors and equipment manufacturers to identify and develop ALI solutions.
- U S WEST Wireless plans to conduct further tests of ALI technology as soon as it is available for CDMA networks.
- After investigating various alternatives, U S WEST Wireless has decided to pursue a combination of handset-based and “hybrid” approaches in conjunction with its equipment suppliers.

U S WEST WIRELESS FACES A NUMBER OF CHALLENGES IN IMPLEMENTING ALI

- The Commission's current E-911 rules effectively preclude implementation of any Phase II ALI solution other than a network-based solution.
- U S WEST Wireless is concerned because, to date, no significant testing of network-based ALI solutions compatible with CDMA networks has occurred.
- Handset-based and hybrid ALI solutions show great promise. However, U S WEST Wireless will have to implement a different handset-based or hybrid ALI solution for each different brand of handset that is made available to its customers.
- U S WEST Wireless's ability to comply with the Commission's Phase II ALI requirements (*e.g.*, deployment dates and accuracy standards) is dependent upon vendors and equipment manufactures. At this time, no commercial release date commitments have been made.

PROVIDING FLEXIBILITY FOR VARIOUS ALI SOLUTIONS SERVES THE PUBLIC INTEREST

- The wireless industry – including carriers, vendors and equipment manufacturers – has responded dynamically to the challenge of ALI and is working hard to overcome technological barriers.
- Innovative ALI solutions which take advantage of handset upgrades show great promise in delivering Phase II ALI capability that surpasses the Commission's current accuracy standards. Providing flexibility for phased-in implementation of handset-based or hybrid ALI solutions serves the public interest.
- If the burden for obtaining flexibility in Phase II ALI implementation is too onerous, then carriers such as U S WEST Wireless simply will not be able to take advantage of handset-based or hybrid ALI solutions. Moreover, it remains unclear whether network-based solutions compatible with CDMA networks will be available.
- As demonstrated by the record in this proceeding, the Commission should grant waivers or adopt a rule change so that its E-911 rules are "competitively neutral" and accommodate a variety of ALI solutions.
- U S WEST Wireless supports the following rule changes for Phase II ALI implementation:
 - The Commission should require carriers to deploy ALI-capable handsets which provide superior accuracy as compared to network-based solutions on or before October 1, 2001. However, fundamentally altering the accuracy standards at this time would be arbitrary, given the state of technology and efforts that have been undertaken to develop and test handsets that will exceed current standards.
 - The Commission should require carriers to make good faith efforts to satisfy any handset deployment or penetration benchmarks that it establishes. In particular, penetration levels for ALI-capable handsets will be dependent on various factors outside of the carrier's control (*e.g.*, equipment availability, consumer demand, PSAP implementation).